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May 15, 2024

Via ECF
Hon. Dale E. Ho
United States District Court
Southern District of New York

Re: Floyd's of Leadville, Inc. N/K/A Valued, Inc. v. Alexander Capital L.P., et al.
Case No. 1:22-CV-03318-DEH

Dear Judge Ho:

The undersigned represents defendants, Ronald Barrie Clapham and Mark Leonard and write in response to the Plaintiff's May 10, 2024 letter motion. Contrary to Mr. Vedra's statements, we have, in fact, we have informally exchanged discovery with Plaintiff through his prior counsel and both Mr. Vedra, his predecessor counsel, Mr. Billings and Mr. Landis engaged in numerous telephone and video (Zoom) conferences with Mr. Clapham, Mr. Leonard and counsel. Thus, while we concede certain communication failures in the past, we have not been absent from this litigation. Rather, we have worked with plaintiffs' various counselors to narrow down the issues to the extent they related to our clients. Finally, since the letter motion was filed by Mr. Vedra, we engaged in a followup meet and confer and have responded to the Requests for Production and provided Mr. Vedra with all the documents provided to us by our client – including those documents provided months ago to Mr. Vedra's predecessor.

Stated again, (1) we have been in consistent contact with Mr. Vedra and plaintiff's prior counsel, who have interviewed and permitted Mr. Landis to interview both our clients about this action and the underlying facts and the opportunity to correct this matter and move forward productively; (2) we have previously provided documents on an informal basis related to those discussions; and (3) we have since responded fully to the discovery demands and made the documents available to plaintiff's counsel.

For these reasons, we respectfully request that plaintiff's motion should be denied.

Respectfully submitted,

/s/ Paul Rachmuth
Paul Rachmuth (pr-1566)